

FILED

UNITED STATES DISTRICT COURT

NOV 15 2005

DISTRICT OF SOUTH DAKOTA



SOUTHERN DIVISION

TONY KENYON; ERIC JAMES QUEEN;
TONY R. HARRISON; RICKY L. BYRD;
ALAN W. WALTHER; MICHAEL R.
DeBOER; STEVE BRANDNER;
DEREK KOKESH; TERRY O'NEAL;
BRIAN WERNER; JOSHUA REDD;
KYLE VAN ZEE; JAMES WHITTEMORE;
KENNY BEUS; TONY D. SCHULTZ;
MICHAEL DEAN SMITH; THOMAS
DALTON; VICTOR H. PINEDA CORNEJO;
ROBBIE HENNIS; ROBERT KLEEN;
DONROY GRASS; ALAN L. RED WILLOW;
BRUCE KUPSEN; KELLY CRAYOE;
MELVIN TURNER; STEVEN HURLEY;
WILLIAM LEITH; KENNETH MANNING;
DAVID WREN; DENNY RODRIGUEZ;
ELI WHITE; DEVIN TARRANT;
MICHAEL BUTNER; LESLIE PAUL RABA;
RYAN WOLF; JACK NORTH;
MICHAEL HORST; GLEN MEYER;
SAMSON GRANNEMAN; PAUL WOOD;
DAVID THEEL; RANDY L. ANDERSON;
JOHN PERKINS; GERALD YOUNG;
ROBERT RYE; ANDREW BULLER;
WILL BAKER; CHRIS SNOW;
SHELDON LITTLE EAGLE; JR ZULKER;
ZACHARY T. ARVIN; and
LAVAUGHN FOSTER;

Plaintiffs,

vs.

WARDEN DOOLEY,

Defendant.

CIV. 05-4150

ORDER DETERMINING
IN FORMA PAUPERIS STATUS
OF PLAINTIFF TONY KENYON

After reviewing Plaintiff Tony Kenyon's motion to proceed in forma pauperis and the prisoner trust account report, the court finds that plaintiff is required by the Prison Litigation Reform Act, 28 U.S.C. § 1915, to make an initial partial filing fee of \$24.82 (20% of his average monthly balance for the past six months). Plaintiff's current prison account balance is \$145.54.


Upon the record,

IT IS ORDERED:

1. That Plaintiff Tony Kenyon's motion to proceed in forma pauperis (Doc. 6) is granted, subject to further review to determine if this action should hereafter be dismissed pursuant to 28 U.S.C. § 1915(e)(2).
2. That Plaintiff Tony Kenyon shall make an initial partial fee payment for docketing and filing fees in the amount of \$24.82 to the clerk of this court on or before December 16, 2005.
3. That the institution having custody of the plaintiff is hereby directed that whenever the amount in Plaintiff Tony Kenyon's trust account exceeds \$10.00, monthly payments that equal 20% of the funds credited the preceding month to the plaintiff's trust account shall be forwarded to the U.S. District Court Clerk's Office pursuant to 28 U.S.C. § 1915(b)(2), until the filing fee is paid in full.

Dated this 15th day of November, 2005.

BY THE COURT:


John E. Simko
United States Magistrate Judge

ATTEST:
JOSEPH HAAS, CLERK

By: Sharon Lewis, Deputy